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UNITED STATES COURT OF APPEALS

OCT 03 2006

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

MERRILL LYNCH, PIERCE, FENNER
AND SMITH, INCORPORATED, a
corporation organized and existing under the
laws of the State of Delaware with its
principal place of business in New York,
New York,

Plaintiff - Appellee,

v.

ENC CORPORATION; SUNTRUST
INVESTMENT CO., S.A., a corporation
organized and existing under the laws of
Switzerland with an address at rue de
Jargonnant 2, P.O. Box 76, 1211 Geneva 6,
Switzerland; JOHN K. BURNS, a citizen of
the United States, with an address at 300
Wacker Drive, Suite, 900, Chicago, Illinois,
60606; THE ESTATE OF FERDINAND E.
MARCOS; IMELDA R. MARCOS;
FERDINAND R. MARCOS, JR.; MARIA
IMELDA MARCOS; IRENE MARCOS
ARANETA; FRONTIER RISK CAPITAL
MANAGEMENT, L.C.C., a limited liability
company organized and existing under the
laws of the States of Nevada, with a
registered office at 6100 Neil Road, Suite
500, Reno, NV. 89511 and an address at 300
Wacker Drive, Suite 900, Chicago, IL 60606;
GROSVENOR CAPITAL LTD., a company
organized and existing under the law of the

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DISTRICT OF HAWAII

United Kingdom, with an address at
Grosvenor Gardens House, Suite 117, 35-37
Grosvenor Gardens, London SW1 W OBS,
United Kingdom; THE ESTATE OF ROGER
ROXAS; GOLDEN BUDHA
CORPORATION, a corporation organized
and existing under the laws of the State of
Georgia, with a registered office at 710 West
First Street, Blue Ridge, Georgia 30513, and
a mailing address at 260 Carrollton St.,
Buchanan, GA 30113,

Defendants,

and,

ARELMA, INC., a corporation organized and
existing under the laws of Panama with a
permanent address at Ave. Justo Arosemena y
Calle 41 Este, No. 40-59 Pte al Colegio
Immaculada, Panama 1.Rep.de Panama, and a
mailing address at c/o Suntrust Investment
Co.S.A., ru de Jargonnant 2, P.O. Box 76,
1211 Geneva 6, Switzerland;;

Defendant - Appellant,

MARIANO J. PIMENTEL, on behalf of
himself and all other persons similarly
situated;;

Defendant - Appellee,

PHILIPPINE NATIONAL BANK,

Defendant - Appellant.

Before: NOONAN, Circuit Judge.

Appellant PCGG's motion for a stay of mandate pending the filing of a petition for a writ of certiorari in the United States Supreme Court is GRANTED.